

Testimony in Support of AB 393
Assembly Committee on Corrections and the Courts
October 23, 2007

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Director of State Courts

Good afternoon, and thanks for the opportunity to appear in support of AB 393, which creates new judgeships in Barron, Chippewa, Dodge, Green, Juneau, Monroe, and St. Croix Counties.

The last comprehensive legislation to address the need for judgeships was passed during the 1997 legislative session, and just one judgeship has been added since. After a thorough and detailed review of judicial workload, it's clear more judges are needed.

It is essential the court system have adequate resources to maintain quality and to effectively manage court business and resolve disputes without delay. Internal management measures applied across counties and judicial administrative districts are no longer sufficient to meet the demands of increasing judicial workload.

The request for judgeships can be contentious. Because additional judgeships require significant state and county resources, it is imperative that documentation of the need be objective and reliable. The idea for an objective measure of judicial workload dates back to a 1973 report by the Citizen's Study Committee on Judicial Organization, which concluded that the Legislature, in its responsibility to determine the total number of judges, should try to eliminate political considerations.

The Legislature agreed, and in 1977 established a Legislative Council Committee on the Courts to make recommendations for the development and revision of a formula for the creation and elimination of courts based on workload data.

The Committee retained the Resource Planning Corp. (RPC) to complete a review of different measurement systems. RPC developed its recommendations using a weighted caseload system, which as the name suggests, concentrates on the cases coming before the courts.

One other option it studied was the use of county population as a method to determine judicial need. RPC concluded that since population is one step removed from direct measures of caseload, it provided predictions that were less reliable than the weighted caseload calculations. This conclusion was later confirmed in the 1996 Legislative Audit Bureau review of the weighted caseload methodology. Today the use of a weighted caseload measurement system is widely recognized as the most precise method for determining the need for judicial resources.

We have effectively been using the weighted caseload measuring system since 1980, and the updated study released by The National Center for State Courts in February 2007 enhances past efforts in several ways.

Allow me to briefly walk you through the methodology so you understand the benefits of this approach (see attached).

The updated study:

- Increased the judicial participation rate to include data from 240 of 241 judges.
- Developed case weights for an expanded set of case types.
- Evaluated judicial time to case-related and non-case related categories.
- Incorporated the administrative responsibilities of the Chief Judges.
- Integrated the work of court commissioners in determining judicial need.
- Accounted for changes in the law, such as Truth in Sentencing.

These changes are consistent with recommendations contained in the 1996 Legislative Audit Bureau report.

While the results of the weighted caseload analysis form the basis of our request, my office does not include counties in a judgeship bill unless there is local support from the county board.

The counties included in AB 393 have passed resolutions in support of an additional judgeship. In addition we are unlikely to include a county with demonstrated need if there are neighboring counties that can provide workload assistance to offset that need.

We look closely at what resources are available in a judicial administrative district to help with workload in neighboring counties. Therefore, it is not surprising that in AB 393, five of the seven counties included are in the two judicial administrative districts with the greatest overall need.

Over the past few years I have not pursued additional judgeships due to financial considerations and the fact that I was not confident in the dated workload study. Considering the new and improved weighted caseload study continues to document the growing need for judges, I urge you to support the creation of the seven judgeships in AB 393.

Thank you.

ATTACHMENT 1

Caseload and Workload Factors Needed for Study

Caseload
Number of raw filings
by case type

Case Weights
Average time in minutes required
to handle each type of case

Caseload
multiplied by
Case Weights

|
produces
↓

Workload
Total amount of judicial case-related
time associated with all cases filed

Judge Factors Needed for Study

Judge Year
Days available per year
to process cases

Judge Day
Minutes available per day
for case-related work

Judge Year
multiplied by
Judge Day

|
produces
↓

Judge Year Value
Total time available per judge to do
case-related work during the year
(judge standard of 1 FTE judge)

↙ ↘
**Workload divided by
Judge Year Value**

**Number of judges required
to handle workload**

ATTACHMENT 2

CASE WEIGHT EXAMPLE

<u>CASE TYPE</u>	<u>CASE WEIGHT</u>
Felony	162.8 minutes
Divorce	183.6 minutes

CASE WEIGHT CALCULATION

	Average Event Time (Minutes)	x	Event Frequency	=	Time Study Result (Minutes)
Felony					
Pretrial	82.4	x	100%	=	82.4
Non-Trial Disposition	40	x	99%	=	38.4
Trial	702	x	3%	=	21.1
Post Disposition	23	x	90%	=	20.9
					<u>162.8</u>

	Average Event Time (Minutes)	x	Event Frequency	=	Time Study Result (Minutes)
Divorce					
Pretrial	72	x	100%	=	71.7
Non-Trial Disposition	39	x	91%	=	35.9
Trial	540	x	9%	=	48.6
Post Disposition	27	x	100%	=	27.5
					<u>183.6</u>

Note: Due to rounding, numbers may not add up to the total